

**MCKEE, VOORHEES & SEASE, PLC**  
**MCKEE VOORHEES & SEASE PLC**

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DATE: January 14, 2005

TO: Art Unit 1638 - Mail Code Amendment

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FROM: LILA A. T. AKRAD

NUMBER OF PAGES (Including cover): 3

Please file the attached CORRECTED TERMINAL DISCLAIMER:

APPLICANT : DUVICK et al.  
SERIAL NO : 10/624,619  
FILED : July 22, 2003  
TITLE : AMINO POLYOL AMINE OXIDASE  
POLYNUCLEOTIDES AND RELATED  
POLYPEPTIDES AND METHODS OF USE

Grp./A.U. : 1638  
Examiner : IBRAHIM, MEDINA AHMED  
Conf. No. : 6037  
Docket No. : P05569US03 - PHI 0875CD

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PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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**CORRECTED TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING  
 REJECTION OVER A PRIOR PATENT**  
 37 C.F.R. §1.321(c)

Mail Stop Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Madam:

The owners, Pioneer Hi-Bred, International, Inc. and CuraGen Corporation, each of 100 percent interest in the instant application hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,211,435. The

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CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

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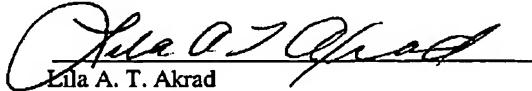
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Date: 1/14/2005

## FACSIMILE

transmitted by facsimile to the Patent and Trademark Office, Art Unit 1638 at Fax No. (703) 872-9306

  
 Lila A. T. Akrad

owners hereby agree that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owners do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record.

Since this Terminal Disclaimer is a correction and the fees were previously charged to Deposit Account, no fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Respectfully submitted,



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